THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 12062 of 1999

DATE: 16-04-2007

Between :

Habeeb Khan

… Petitioner

And

Government of Andhra Pradesh,
Rep., by its Secretary to Government,
Revenue Department,
Secretariat Buildings,
Saifabad, Hyderabad and 2 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 12062 of 1999

ORDER:

This writ petition is filed seeking a *Mandamus* declaring the alleged action of the respondents in threatening to demolish the tea shop situated in Dr.No.8-3-177/1/A, Fakrul Mulk Maqbara is arbitrary and illegal and for a consequential direction to the respondents not to demolish the property and not to evict the petitioner from the said premises.

This Court, while issuing notice, by order dated 23-06-1999 ordered that the petitioner should not be evicted except through due process of law.

In the counter affidavit filed on behalf of the respondents by the Mandal Revenue Officer, Khairtabad, though possession of the petitioner has not been disputed, it is stated that he had illegally grabbed the Government land and raised structures without any title.

Since, the fact that the petitioner is in possession of the premises in question is not in dispute, even assuming that he is an encroacher, the respondents are bound to follow the procedure prescribed under law for recovery of possession.

Accordingly, without expressing any opinion as to the rival claims made, the writ petition is disposed of with a direction to the respondents not to evict the petitioner from the premises in question except through due process of law. No costs.

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G. ROHINI, J.

Date: 17-04-2007

KLP